

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM PATRICK GARCIA,  
Plaintiff,  
v.  
D. DENBERG, et al.,  
Defendants.

No. 2:23-cv-02098-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On August 5, 2024, the Magistrate Judge filed findings and recommendations, which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis: the Magistrate Judge correctly determined

1 that the motion for a temporary restraining order could not be granted absent evidence showing  
2 (1) plaintiff was likely to prevail on the merits of his claims and (2) imminent harm was likely  
3 absent a temporary restraining order.

4 Accordingly, IT IS HEREBY ORDERED as follows:

5 1. The findings and recommendations filed August 5, 2024, ECF No. 18, are adopted  
6 in full.

7 2. Plaintiff's motion for injunctive relief, ECF No. 1, is denied.

8 3. This matter is referred back to the assigned Magistrate Judge for further  
9 proceedings.

10 DATED: October 3, 2024.

11  
12   
13 UNITED STATES DISTRICT JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28